

UNITED STATES U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ESPERION THERAPEUTICS, INC.,

Plaintiff,

v.

DAIICHI SANKYO EUROPE GMBH,

Defendant.

Civil Action No. 1:23-cv-02568-ER

**DECLARATION OF TONI-ANN CITERA
IN SUPPORT OF DEFENDANT’S SUR-
REPLY IN OPPOSITION TO
PLAINTIFF’S MOTION FOR
JUDGMENT ON THE PLEADINGS**

I, Toni-Ann Citera, declare as follows:

1. I am a Partner at the law firm of Jones Day and counsel for Daiichi Sankyo Europe GmbH (“DSE”) in the above-referenced action. I submit this declaration in support of DSE’s Sur-Reply in Opposition to Plaintiff’s Motion for Judgment on the Pleadings, have personal knowledge of the matters set forth in this declaration, and put before this Court true and correct copies of the following documents, each of which accompanies this declaration.

2. Attached as Exhibit 1 is a true and correct copy of [REDACTED]

[REDACTED]

3. Attached as Exhibit 2 is a true and correct copy of [REDACTED]

[REDACTED]

4. Attached as Exhibit 3 is a true and correct copy of [REDACTED]

[REDACTED]

5. Attached as Exhibit 4 is a true and correct copy of [REDACTED]

[REDACTED]

[REDACTED].

I hereby declare that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: New York, New York
December 1, 2023

JONES DAY

By: /s/ Toni-Ann Citera
Toni-Ann Citera

Certificate of Service

I hereby certify that on December 1, 2023, I caused the foregoing Declaration to be filed with the Clerk of the Court and served upon all counsel of record via the Court's CM/ECF system.

/s/ Toni-Ann Citera
Toni-Ann Citera